



Feb 6, 2023

Dear Montgomery County Council,

Maryland League of Conservation Voters (MDLCV) works across our state to fight for clean water, clean air, and a resilient climate for everyone in Maryland. When Bill 25-22 was first introduced to the previous Council four months ago, more than 80 of our 3,000 Montgomery County members acted, writing to the Council in support of the legislation to update and improve forest conservation law in Montgomery County.

Healthy forests are pivotal to all three of the goals contained in MDLCV's mission. Forests serve as our most crucial natural resource for water quality, air quality, flood mitigation, urban cooling, and reducing greenhouse gas emissions. To achieve forest protections and support robust forest ecosystems, MDLCV has been participating with the Montgomery County Forest Coalition to develop recommendations to strengthen forest conservation in Montgomery County.

Reconsideration of forest protection in Montgomery County comes at a critical time as, in spite of current regulations, this county continued to lose forested acres, as demonstrated in data released this year by the Chesapeake Conservancy and Chesapeake Bay Program<sup>1</sup>.

*Bill 25-22: Forest Conservation - Trees* provides many positive improvements to forest conservation law in Montgomery County. The Montgomery County Forest Coalition partners have worked closely with the Montgomery County Department of Planning to ensure the recommended law amendments will help to strengthen forest conservation in Montgomery County and support the goal of no net loss of forests for the County as a whole. Maryland League of Conservation Voters, is pleased to support the re-introduction of this legislation and encourages this Council to pass this amendment to current along with the Montgomery County Forest Coalition partners, supports this bill. These recommendations are as follows and are also outlined in in the attached document, "[Montgomery County Forest Coalition Top Recommendations for Updates/Amendments to MoCo Forest Conservation Law](#)."

We fully support and encourage adoption of the following recommendations, in line with those provided by the Montgomery County Planning Department:

1. Forest stand delineation must be submitted to the Planning Department prior to submission of any site development application. Requiring Natural Resource Inventory/Forest Stand Delineation approval with the submission of development plans will better ensure existing, high quality forests are considered and preserved whenever possible.

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<https://www.chesapeakeconservancy.org/conservation-innovation-center/high-resolution-data/lulc-data-project-2022/>

2. Eliminate certain Commercial Residential (CR) zone exemptions. Exclude activities located within the CR zone classification from qualifying for the (s)(1) and (s)(2) Forest Conservation Plan exemptions to require forest mitigation for activities in this zone that are currently receiving the highest density but providing the least forest mitigation.
3. Increase mitigation requirements for “variance trees” located within a forest. This proposed amendment will require a minimum replanting ratio of 1 caliper inch replaced for every 4 inches of trunk diameter of variance tree removed, whether it is inside or outside a forest stand.
4. In limited circumstances, allow landscaping, such as the planting of trees in rights-of-way, to meet afforestation and reforestation requirements in equity focus areas. This provision will encourage tree planting in areas where there are high concentrations of low-income residents, people of color, or those who do not have fluency in English. Where appropriate, outside equity focus areas, landscaping on site could be used to meet afforestation requirements.

Furthermore, MDLCV encourages this Council to resist any weakening of the bill language or proposals that would move away from achieving no net loss of forest at a time when Montgomery County is in need of expanding its forests and tree canopy after decades of removal due to development pressure. Montgomery County has frequently led the state in laws demonstrating the value of and providing protection for the environment. This Council can continue that important legacy by adopting Bill 25-22.

Thank you for your consideration,

Marisa Olszewski

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Maryland League of Conservation Voters